

Posted – July 15, 2011

REGULAR MEETING JULY 18, 2011

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, July 18, 2011 at 7:00 P.M. (PRESENTATION 6:00 PM) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to

reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

6:00 PM PRESENTATIONS

1. Memorandum of Vincent J. Palumbo, P.E., Highway Managing Engineer, RIDOT, re: Reconstruction of Two Mile Corner, West Main Road – Commercial Street to Maplewood Road, East Main Road – West Main Road to Bailey Brook, Middletown, RI – RI Contract No. 93116, R.I.F.A.P. NO. AF-0138(011), Roundabout vs. Signalized Concept.

2. Memorandum of Jan Eckhart, Planning Board Chairman, re: Request of the Town Council for Planning Board review and recommendation on proposed RIDOT improvement options for the

West Main Road intersections with East Main Road and Coddington Highway.

3. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service Fourth Quarter 2010.

PUBLIC FORUM SESSION

4. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

ACTING AS A BOARD OF LICENSE COMMISSION

5. Application of Applebee's Restaurant North, LLC dba Applebee's Neighborhood Grill and Bar, 349 West Main Road, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to Apple New England, LLC dba Applebee's Neighborhood Grill and Bar, for use at the same premises. (Requires Advertising for Public Hearing)

CONSENT

6. Approval of Minutes, re: Special Meeting, June 1, 2011.

- 7. Approval of Minutes, re: Regular Meeting, June 6, 2011.**
- 8. Approval of Minutes, re: Regular Meeting, June 20, 2011.**
- 9. Approval of Minutes, re: Special Meeting, June 27, 2011.**
- 10. Resolution of West Warwick School Committee, re: Requesting Support of the Senate Bill 2011-0071 which bill would amend the mandatory March 1 deadline in RIGL 16-13-2, as amended, to June 1.**
- 11. Communication of Susan S. Erstling, PhD, Chair, Board of Directors, Lucy's Hearth, re: Appreciation for Civic appropriation.**
- 12. Communication of Michelle F. Burnett, CFM, State Floodplain Coordinator, Rhode Island Emergency Management Agency, re: National Flood Insurance Program, Community Assistance Visit.**
- 13. Notice of Public Hearing from the Zoning Board of Review, Petition of the Assigns of John Clarke (owner), Newport County Regional YMCA (applicant) by their Attorney Robert M. Silva, Esquire for a Special Use from Section 1211 (D) (1) (a) to allow a monument sign 7'-21/8' in height where 4' is allowed and 45 square feet in size where 24 square feet is allowed, said real estate located at 792 Valley Road and further identified as Lot 1 on Tax Assessor's Plat 115.**

14. Communication of Attorney Joseph F. Hook, representing Deborah Barrett, re: Presentment of Claim or Demand of Deborah Barrett against the Town of Middletown (Wage Discrimination based upon sex).

15. Communication of Laurent L. Rousseau, Esquire, representing Prescott Point, LLC and Prescott Point Investor, LLC, with enclosures, re: Petition to Rezone Lot 7 on TAP 104 from Traffic Sensitive Medium Density Residential (R-20A) to RMA, Traffic Sensitive Residential Multifamily. (Requires Planning Board Recommendation)

16. Communication of David P. Martland, Esquire, representing Middletown Self-Storage, LLC, with enclosures, re: Petition to rezone certain property at 909 Aquidneck Avenue, Lot 758 on TAP 114 from Limited Business/Traffic Sensitive (LBA) and Residential-20 (R-20) to Limited Business/Traffic Sensitive (LBA). (Requires Planning Board Recommendation)

17. Petition of CVDD II, LLC, with enclosure, re: to amend the Zoning Ordinance, adopted effective August 21, 2000, by changing the classification of Lots 8, 9, 9A & 10, Tax Assessor's Plat 111 from Light Industrial Traffic Sensitive (LIA) to General Business Traffic Sensitive (GBA). (Planning Board Recommendation Attached; Requires Advertising for Public Hearing)

18. Memorandum of Town Administrator, re: 2011 State Legislative Update.

19. Communication of Town Administrator, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.

20. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.

21. Memorandum of Town Administrator, with enclosure, re: Tax Collector's Report for the period ending June 30, 2011.

22. Applications four (4) from the following named persons, firms or corporations for a Special Event Permit. (See Attached List)

23. Applications from the following named persons, firms or corporations for RENEWAL of a Mechanical Amusement Device License for the 2011-2012 licensing year. (See Attached List)

LICENSES

24. Application of Longade, LLC dba Del's Lemonade, Middletown, for a Hawker's License for the 2011-2012 licensing year. (NEW; 533 East Main Road – Vacant Lot)

PUBLIC HEARINGS

25. (Public Hearing Advertised)

Application of TECS DONUTS, INC. dba Dunkin Donuts, 159 East Main Road, for Additional Operating Hours License for the 2010-2011 licensing year. (NEW)

26. (Public Hearing Advertised)

Application of Middletown Taco, Inc. dba Taco Bell, 641 West Main Road, for Additional Operating Hours License for the 2010-2011 licensing year. (NEW)

OTHER COMMUNICATIONS

27. Memorandum of Michael F. Crowley, School Committee Chair and Rosemarie K. Kraeger, Superintendent of Schools, re: Aquidneck School Project.

28. Communication of Councillor Viveiros, re: School Department request for funding to refurbish the Metal Fabrication Shop at the Middletown High School.

29. Memorandum of Town Administrator, re: Request of Middletown School Administration to Fund MHS Art Center.

30. Resolution of the Council, re: General Fund FY2012 budget adjustments.

31. Memorandum of Town Administrator, with enclosures, re:

Request for Funds for Middletown Public Schools Summer Program.

32. Communication of Ali Borges, Sponsorship Coordinator: Middletown Safety Town 2011, re: Request for support of the Safety Town program.

COMMUNICATIONS OF TOWN ADMINISTRATOR

33. Memorandum of Town Administrator, with enclosures, re: Enabling Legislation to Increase Municipal Court Fines.

34. Resolution of the Council, re: Seeking enactment of legislation to amend RIGL 45-2-37 Municipal Court fines.

35. Memorandum of Town Administrator, with enclosures, re: RKG Associates Proposal for a New Beach Pavilion.

36. Resolution of the Council, re: Award of Contract Business Plan Development - 2nd Beach Pavilion project.

37. Memorandum of Town Administrator, with enclosures, re: RIDEM Draft Agreement for Third Beach Boat Ramp Funding.

38. Memorandum of Town Administrator, with enclosures, re: Contract Award: Prospect Avenue, Green End Avenue Culvert Replacement.

39. Resolution of the Council, re: Award of contract for Prospect Avenue, Green End Avenue Culvert Replacement.

40. Memorandum of Town Administrator, with enclosures, re: Composition of Middletown Substance Abuse Prevention Task Force Committee.

COMMUNICATIONS OF BOARDS AND COMMITTEES

41. Email communication of Frank Lawrence, re: Resignation from the Citizens Memorial Committee.

42. Communication of Don Mallinson, re: Resignation from Wind Turbine Feasibility Committee.

43. Communication of Nancy D. McAuliffe, Artistic Director, Rhode Island's Ballet Theatre, re: Resignation from the Middletown Committee for the Arts.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)

(2) Collective Bargaining (Police and Public Works Unions) and (1) Personnel (Town Administrator).

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.